

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

## ASSEMBLY BILL

**No. 2539**

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**Introduced by Assembly Member Nielsen**

February 24, 2012

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An act to amend ~~Section 116825~~ Sections 116830 and 116835 of the Health and Safety Code, relating to drinking water.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2539, as amended, Nielsen. ~~Water—Drinking water: water treatment devices.~~

*Existing law requires the State Department of Public Health to adopt regulations setting forth the criteria and procedures for certification of specified water treatment devices. Existing law provides that the regulations may adopt, by reference, the testing procedures and standards of one or more independent testing organizations, under certain circumstances. Existing law authorizes the department to accept a water treatment device certification issued by an agency of another state, by an independent testing organization, or by the federal government, under certain circumstances.*

*This bill would require the regulations to adopt, by reference, the testing procedures and standards of one or more independent testing organizations. This bill would require the regulations to specify a testing organization that is a certification body accredited by an accreditation body member of the International Accreditation Forum. This bill would require the department to accept a water treatment device certification issued by an agency of another state, by a certification body accredited by an accreditation body member of the International Accreditation*

*Forum, or by the federal government, if the standards used to certify the device meet or exceed specified standards.*

~~Existing law prohibits a water treatment device that makes product performance claims or product benefit claims that the device affects health or the safety of drinking water from being sold or otherwise distributed if the water treatment device has not been certified by the State Department of Public Health or by another entity, as specified. Existing law provides definitions for, among other terms, “water treatment device” and “department.”~~

~~This bill would make a technical, nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. Section 116830 of the Health and Safety Code is*  
2     *amended to read:*

3     116830. (a) The department shall adopt regulations setting  
4     forth the criteria and procedures for certification of water treatment  
5     devices that are claimed to affect the health or safety of drinking  
6     water. The regulations shall include appropriate testing protocols  
7     and procedures to determine the performance of water treatment  
8     devices in reducing specific contaminants from public or private  
9     domestic water supplies. The regulations ~~may~~ *shall* adopt, by  
10    reference, the testing procedures and standards of one or more  
11    independent testing organizations ~~if the department determines~~  
12    ~~that the procedures and standards are adequate to meet the~~  
13    ~~requirements of this section.~~ The regulations ~~may~~ *shall* specify  
14    any testing organization that ~~the department has designated to~~  
15    ~~conduct the testing of water treatment devices~~ *is a certification*  
16    *body accredited by an accreditation body member of the*  
17    *International Accreditation Forum.*

18    (b) The regulations required by subdivision (a) shall include  
19    minimum standards for the following:

- 20    (1) Performance requirements.  
21    (2) Types of tests to be performed.  
22    (3) Types of allowable materials.  
23    (4) Design and construction.

1 (5) Instruction and information requirements, including  
2 operational, maintenance, replacement, and estimated cost of these  
3 items.

4 (6) Any additional requirements, not inconsistent with this  
5 article, as may be necessary to carry out this article.

6 (c) The department or any testing organization designated by  
7 the department pursuant to this section may agree to evaluate test  
8 data on a water treatment device offered by the manufacturer of  
9 the water treatment device, in lieu of the requirements of this  
10 section, if the department or the testing organization determines  
11 that the testing procedures and standards used to develop the data  
12 are adequate to meet the requirements of this section.

13 *SEC. 2. Section 116835 of the Health and Safety Code is*  
14 *amended to read:*

15 116835. (a) No water treatment device that makes product  
16 performance claims or product benefit claims that the device affects  
17 health or the safety of drinking water, shall be sold or otherwise  
18 distributed that has not been certified by the department or by  
19 another entity in accordance with subdivision (b). Water treatment  
20 devices not offered for sale or distribution based on claims of  
21 improvement in the healthfulness of drinking water need not be  
22 certified pursuant to this section.

23 (b) The department ~~may~~ *shall* accept a water treatment device  
24 certification issued by an agency of another state, by ~~an~~  
25 ~~independent testing organization~~ *a certification body accredited*  
26 *by an accreditation body member of the International Accreditation*  
27 *Forum, or by the federal government in lieu of its own, if the*  
28 ~~department determines that certification program meets the~~  
29 ~~requirements of this article if the standards used to certify the water~~  
30 ~~treatment device meet or exceed those provided under subdivision~~  
31 ~~(a) of Section 116830, as evidenced by a declaration submitted by~~  
32 ~~the person seeking certification of the water treatment device.~~

33 (c) A water treatment device initially installed prior to the  
34 operative date of this section shall not require certification pursuant  
35 to Section 116830.

36 (d) Subdivisions (a), (b), and (c) shall become operative one  
37 year after the effective date of the regulations adopted pursuant to  
38 Section 116830. Regulations adopted pursuant to that section shall  
39 be transmitted to the Legislature upon adoption.

1     SECTION 1. ~~Section 116825 of the Health and Safety Code~~  
2     ~~is amended to read:~~

3     ~~116825. Unless the context otherwise requires, the following~~  
4     ~~definitions shall govern construction of this article:~~

5     ~~(a) “Water treatment device” means any point of use or point~~  
6     ~~of entry instrument or contrivance sold or offered for rental or~~  
7     ~~lease for residential use, and designed to be added to the plumbing~~  
8     ~~system, or used without being connected to the plumbing of a water~~  
9     ~~supply intended for human consumption in order to improve the~~  
10    ~~water supply by any means, including, but not limited to, filtration,~~  
11    ~~distillation, adsorption, ion exchange, reverse osmosis, or other~~  
12    ~~treatment. “Water treatment device” does not include any device~~  
13    ~~that is regulated pursuant to Article 12 (commencing with Section~~  
14    ~~111070) of Chapter 5 of Part 5.~~

15    ~~(b) “Department” means the State Department of Public Health.~~

16    ~~(c) “Person” means any individual, firm, corporation, or~~  
17    ~~association, or any employee or agent thereof.~~

18    ~~(d) “Contaminants” means any health-related physical, chemical,~~  
19    ~~biological, or radiological substance or matter in water.~~